

**ENTERED**

March 01, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

SALVADOR ZAVALA,

Plaintiff,

VS.

MARTINEZ MIGEL, *et al*,

Defendants.

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CIVIL NO. 2:17-CV-285


**ORDER**

The Court is in receipt of Defendants' Motion for Summary Judgment, Dkt. No. 41; the Magistrate Judge's Memorandum and Recommendation ("M&R") to dismiss case, Dkt. No. 47; and Plaintiff's Objections to the M&R, Dkt. No. 49.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS** the M&R, Dkt. No. 47, in substance.<sup>1</sup> Accordingly, the Court **GRANTS** Defendants' Motion for Summary Judgment, Dkt. No. 41. This case is therefore **DISMISSED WITH PREJUDICE**. The Court **DIRECTS** the Clerk of the Court to close the case.

Final judgment will be entered separately.

SIGNED this 1st day of March, 2019.



Hilda Tagle

Senior United States District Judge

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<sup>1</sup> The Court declines to adopt the statements in Section V of the M&R that explicitly state or implicitly express the Magistrate Judge's recommendation that "[t]he competent summary judgment presented in this case demonstrates that Defendants did not violate Plaintiff's due process rights." *See, e.g.*, Dkt. No. 47 at 12–14. Further, the Court declines to adopt the statement that "[t]he fact that Warden Martinez ordered the forfeiture of the funds sometime after the disciplinary hearing fails to suggest a due process violation." *See id.* at 15. The Court instead concludes that Plaintiff has submitted no summary judgment evidence which raises a genuine issue of fact regarding the violation of Plaintiff's due process rights.